

State of California
CALIFORNIA AIR RESOURCES BOARD

EXECUTIVE ORDER W-18-039

Relating to CARB Approval of Third-Party Certifiers under
Section 93120.4, title 17, California Code of Regulations

**Ośrodek Badawczo-Rozwojowy Przemysłu Płyt Drewnopochodnych
Sp. z.o.o. (OBRPPD)**

WHEREAS, the California Air Resources Board (CARB) has adopted the "Airborne Toxic Control Measure to Reduce Formaldehyde Emissions from Composite Wood Products" (the "ATCM"; title 17, California Code of Regulations, sections 93120 - 93120.12), which establishes formaldehyde emission standards for composite wood products;

WHEREAS, section 93120.3(b) of the ATCM requires that manufacturers of composite wood products must verify compliance with the formaldehyde emission standards by using a third-party certifier approved by CARB;

WHEREAS, the ATCM requires third-party certifiers to: 1) verify the accuracy of the emission test procedures and facilities used by composite wood product manufacturers to conduct formaldehyde emission tests; 2) monitor manufacturer quality assurance programs; and 3) provide independent audits and inspections;

WHEREAS, section 93120.4 of the ATCM sets forth the process for the CARB Executive Officer to approve third-party certifiers;

WHEREAS, section 93120.4(b)(1) of the ATCM requires that applications to become CARB-approved third-party certifiers must be submitted to the Executive Officer in writing and must contain: 1) evidence of actual field experience in the verification of laboratories and wood products, to demonstrate how applicants will be able to competently perform the requirements for third-party certifiers of composite wood products listed in section 93120.12, Appendix 3, of the ATCM; 2) evidence of the ability to properly train and supervise inspectors; 3) evidence of a current "product certification agency" accreditation; and 4) a list of the composite wood products that the applicant is applying to verify and evidence that the applicant is qualified to verify these products;

WHEREAS, Ośrodek Badawczo-Rozwojowy Przemysłu Płyt Drewnopochodnych Sp. z.o.o. (OBRPPD or the "applicant") submitted an original application that we received on April 1, 2011, and deemed complete on December 20, 2011;

WHEREAS, section 93120.4(b)(4) of the ATCM provides that the Executive Officer shall approve the application and issue an Executive Order if the evidence submitted by the applicant is sufficient to demonstrate that the applicant can competently perform the tasks specified in section 93120.12, Appendix 3, of the ATCM; and

WHEREAS, OBRPPD was issued Executive Order W-12-039, signed on January 5, 2012;

WHEREAS, section 93120.4(b)(4) of the ATCM allows CARB-approved third-party certifiers to apply for re-approval by CARB by submitting an updated application;

WHEREAS, OBRPPD submitted an updated application for re-approval to CARB on March 6, 2014, which was deemed complete on April 16, 2014, and OBRPPD was issued Executive Order W-14-039, signed on April 21, 2014;

WHEREAS, OBRPPD submitted an updated application for re-approval to CARB on March 31, 2016, which was deemed complete on May 10, 2016; and OBRPPD was issued Executive Order W-16-039, signed on May 18, 2016;

WHEREAS, OBRPPD submitted an updated application for re-approval to CARB on February 19, 2018, which was deemed complete on March 27, 2018;

WHEREAS, the Executive Officer finds that the completed, updated application demonstrated the third-party certifier's ability to continue to comply with section 93120.4(b)(1) of the ATCM;

WHEREAS, the Executive Officer approved OBRPPD's request for re-approval, and it is appropriate that Executive Order W-16-039 be superseded by this Executive Order W-18-039; and

NOW, THEREFORE, IT IS ORDERED that OBRPPD is hereby approved as a third-party certifier and is issued the following number designating them as a CARB-approved third-party certifier: **TPC-39**.

BE IT FURTHER ORDERED that OBRPPD is a CARB-approved third-party certifier for the following composite wood products: hardwood plywood, particleboard, and medium density fiberboard.

BE IT FURTHER ORDERED that this approval is subject to the following conditions:

1. OBRPPD must provide their CARB-approved third-party certifier number to each manufacturer it has subcontracted with for services, as specified in section 93120.12, Appendix 3, of the ATCM.
2. OBRPPD must participate in an inter-laboratory study of their primary and/or secondary chamber facilities.

3. If OBRPPD wishes to use a subcontractor, OBRPPD must submit a request to the Executive Officer in writing and must provide evidence to demonstrate that the subcontractor can competently perform the tasks for which it is employed. OBRPPD shall not use any subcontractors unless the Executive Officer approves the request in writing.
4. OBRPPD shall immediately notify the Executive Officer if any accreditation or certification provided in support of their initial application is renewed, allowed to expire, or revoked within the duration of this Executive Order.

BE IT FURTHER ORDERED that this Executive Order W-18-039 supersedes Executive Order W-16-039, which was issued May 18, 2016.

BE IT FURTHER ORDERED that this Executive Order shall have a duration of two years from the date it is executed; within 120 days prior to the expiration of this Executive Order, the third-party certifier may apply for re-approval by submitting an updated application to the Executive Officer as provided in section 93120.4 of the ATCM.

BE IT FURTHER ORDERED that the Executive Officer may review and, for good cause, modify or revoke this Executive Order as provided in section 93120.4(d) of the ATCM. The Executive Officer shall not modify or revoke this Executive Order without affording the third-party certifier the opportunity for a hearing in accordance with the procedures specified in title 17, California Code of Regulations, section 60055.1 et seq.

BE IT FURTHER ORDERED that the third-party certifier must maintain records in electronic or hard copy form for two years, for review by CARB upon request, as specified in section 93120.12, Appendix 3, of the ATCM.

BE IT FURTHER ORDERED that on or before March 1 of each year, the third-party certifier must provide an annual report to CARB for the previous calendar year, as specified in section 93120.12, Appendix 3, of the ATCM.

BE IT FURTHER ORDERED that the third-party certifier must notify the Executive Officer in writing within 30 days of any change in their ability to carry out the responsibilities of this Executive Order.

Executed at Sacramento, California this 30th day of April, 2018.



A handwritten signature in blue ink that reads "Richard Boyd". The signature is written in a cursive style and is positioned above a horizontal line.

Richard Boyd, Chief
Risk Reduction Branch
Transportation and Toxics Division